

Message Text

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C O N F I D E N T I A L STATE 169060

E.O. 11652: GDS

TAGS: MARR, RP, SP

SUBJ: PHILIPPINE BASE NEGOTIATIONS: SPANISH TREATY

REF: MANILA 9366

MANILA FOR USDEL

CINCPAC ALSO FOR POLAD

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1. THE SPANISH TREATY WAS SIGNED ON JANUARY 24, 1976 AND SUBMITTED TO THE SENATE ON FEBRUARY 18. THE FIRST HEARING BY THE SENATE FOREIGN RELATIONS COMMITTEE (SFRC) OCCURRED ON MARCH 3, WITH AMBASSADOR MCCLOSKEY THE PRINCIPAL ADMINISTRATION WITNESS. THE COMMITTEE THEN SCHEDULED TWO HEARINGS FOR PUBLIC WITNESSES WHICH OCCURRED DURING THE LATTER PART OF MARCH. TWO PRINCIPAL ISSUES AROSE WITHIN THE SFRC DURING CONSIDERATION OF THE TREATY: (A) THE QUESTION OF HOW FUNDS TO IMPLEMENT THE TREATY WERE TO BE AUTHORIZED; AND (B) THE PACE OF POLITICAL LIBERALIZATION IN SPAIN. QUESTIONS ALSO WERE RAISED REGARDING RENEWAL OF THE LEASE FOR THE RADIO LIBERTY TRANSMITTER SITE IN SPAIN, AND REGARDING EFFORTS TO HAVE SPAIN ADHERE TO THE NPT OR APPLY IAEA SAFEGUARDS TO ITS ENTIRE NUCLEAR ENERGY PROGRAM.

2. THE AUTHORIZATION ISSUE.

A. THE AUTHORIZATION ISSUE INVOLVED SENATE RELUCTANCE TO APPROVE A FIVE-YEAR AUTHORIZATION, A DESIRE TO MAKE IT CLEAR THAT THE CONGRESS WANTED AUTHORIZATION LEGISLATION IN ADDITION TO THE TREATY ITSELF, AND REQUESTS BY THE HOUSE INTERNATIONAL RELATIONS COMMITTEE THAT THE SENATE ADD A RESERVATION TO ITS ADVICE AND CONSENT TO RATIFICATION WHICH WOULD ARGUE THAT THE HOUSE HAD TO BE OFFERED AN OPPORTUNITY TO PLAY ITS TRADITIONAL ROLE IN AUTHORIZING AND APPROPRIATING FUNDS TO IMPLEMENT TREATIES (OR EXECUTIVE AGREEMENTS) SUCH AS THE NEW ONE WITH SPAIN.

B. THE ISSUE WAS RESOLVED BY RESORTING TO A DECLARATION IN THE ADVICE AND CONSENT RESOLUTION, WHICH STATED THAT "(5) THE SUMS REFERRED TO IN THE SUPPLEMENTARY AGREEMENT ON COOPERATION REGARDING MATERIEL FOR THE ARMED FORCES AND NOTES OF JANUARY 24, 1976, APPENDED TO THE TREATY, SHALL BE MADE AVAILABLE FOR OBLIGATION THROUGH THE NORMAL PROCEDURES OF THE CONGRESS, INCLUDING THE PROCESS OF PRIOR AUTHORIZATION AND ANNUAL APPROPRIATIONS, AND SHALL BE PROVIDED TO SPAIN IN ACCORDANCE WITH THE PROVISIONS OF FOREIGN ASSISTANCE AND RELATED LEGISLATION."

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C. HOWEVER, IN DISCUSSING THIS SECTION OF THE DECLARATION, THE SFRC REPORT ALSO MAKES CLEAR THAT "WHEN RATIFIED, THE TREATY WILL CONSTITUTE A COMMITMENT BY THE UNITED STATES TO CARRY OUT THE UNDERTAKING THEREIN, INCLUDING THOSE WITH REGARD TO FINANCIAL ASSISTANCE TO SPAIN."

3. THE CONCERN ABOUT THE PACE OF DEMOCRATIZATION IN SPAIN

WAS ADDRESSED BY TWO OTHER DECLARATIONS IN THE ADVICE AND
CONSENT RESOLUTION THAT STATE:

A. "(1) THE UNITED STATES, RECOGNIZING THE ASPIRATION OF
SPAIN TO ACHIEVE FULL PARTICIPATION IN THE POLITICAL AND
ECONOMIC INSTITUTIONS OF WESTERN EUROPE, AND RECOGNIZING
FURTHER THAT THE DEVELOPMENT OF FREE INSTITUTIONS IN SPAIN
IS A NECESSARY ASPECT OF SPAIN'S FULL INTEGRATION INTO
EUROPEAN LIFE, HOPES AND INTENDS THAT THIS TREATY WILL
SERVE TO SUPPORT AND FOSTER SPAIN'S PARTICIPATION IN THE
INSTITUTIONS OF WESTERN EUROPEAN POLITICAL AND ECONOMIC
COOPERATION;

B. "(2) THE UNITED STATES, WHILE RECOGNIZING THAT THIS
TREATY DOES NOT EXPAND THE EXISTING UNITED STATES DEFENSE
COMMITMENT IN THE NORTH ATLANTIC TREATY AREA OR CREATE A
MUTUAL DEFENSE COMMITMENT BETWEEN THE UNITED STATES AND
SPAIN, LOOKS FORWARD TO THE DEVELOPMENT OF SUCH AN EXPANDED
RELATIONSHIP BETWEEN WESTERN EUROPE AND A DEMOCRATIC
SPAIN AS WOULD BE CONDUCIVE TO SPAIN'S FULL COOPERATION
WITH THE NORTH ATLANTIC TREATY ORGANIZATION, ITS ACTIVITIES
AND MUTUAL DEFENSE OBLIGATIONS;..."

4. BECAUSE NEGOTIATIONS ARE IN PROCESS ON RADIO LIBERTY,
THERE IS NO SPECIFIC REFERENCE TO THIS QUESTION IN THE
SENATE ACTION EVEN THOUGH SENATORS PERCY, HUMPHREY AND PELL
RAISED IT AT THE MARCH 3 HEARING.

5. THE ADVISE-AND CONSENT RESOLUTION HAS THE FOLLOWING
DECLARATION ON THE NPT/SAFEGUARDS ISSUE:

"(3) THE UNITED STATES, RECOGNIZING THAT THIS TREATY PRO-
VIDES A FRAMEWORK FOR CONTINUED NUCLEAR COOPERATION FOR
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PEACEFUL PURPOSES WITH SPAIN, LOOKS FORWARD TO A CONTINUED
RELATIONSHIP IN THIS FIELD COMMENSURATE WITH STEPS TAKEN BY
SPAIN TOWARD BECOMING A PARTY TO THE TREATY ON THE NON-
PROLIFERATION OF NUCLEAR WEAPONS OR PLACING ALL OF ITS
NUCLEAR FACILITIES UNDER SAFEGUARDS ADMINISTERED BY THE
INTERNATIONAL ATOMIC ENERGY AGENCY;..."

6. A FINAL DIFFICULTY ON THE TREATY AROSE ON A PROCEDURAL
ISSUE BETWEEN THE SFRC AND THE SENATE BUDGET COMMITTEE
BECAUSE THE ADVISE-AND-CONSENT RESOLUTION WAS PASSED
AFTER THE MAY 15 DEADLINE FOR REPORTING ON PROPOSED
AUTHORIZATIONS FOR THE NEXT FISCAL YEAR AS REQUIRED UNDER
THE NEW BUDGET ACT. THIS ISSUE WAS FINALLY RESOLVED BY
CONSULTATION BETWEEN THE TWO COMMITTEES AND THE TREATY WAS
FREED FOR SENATE FLOOR ACTION. THE MAY 18 VOTE IN

COMMITTEE BACKED SENATE ADVICE AND CONSENT TO RATIFICATION
BY 11 OT 2; AND THE JUNE 21 VOTE BY THE FULL SENATE WAS
84 TO 11.

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7. ADMINISTRATIVE PROBLEMS HAVE ARISEN WITH THE PROVISIONS
OF THE SUPPLEMENTARY AGREEMENT ON FACILITIES RELATING TO
INVENTORY OF U.S. FACILITIES AND IDENTIFICATION OF U.S.
UNITS. UNDER THE 1970 AGREEMENT WE HAD PROVIDED THE
SPANISH WITH A GENERAL LIST SHOWING MAJOR UNITS, GENERAL
FORCE LEVELS AND TOTAL BUILDINGS AT EACH FACILITY. NOW
THE GOS DESIRES A LIST OF SUB-UNITS ALONG WITH BUILDINGS
THEY OCCUPY AND WHEN MORE THAN ONE UNIT SHARES A BUILDING,
OFFICES OCCUPIED. THIS LISTING WAS DUE ON APRIL 24, 90
DAYS AFTER SIGNATURE OF THE TREATY, BUT BECAUSE OF THE
SHEER LENGTH OF THE PROJECT IT HAS NOT YET BEEN COMPLETED.
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